

Exhibit 18

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

WHITESTONE CONSTRUCTION CORP.,)
)
Plaintiff,)
) No. 20 - cv - 1006
v.)
)
YUANDA USA CORPORATION,)
)
Defendant.)

**DECLARATION OF ADAM L. GILL IN SUPPORT OF
YUANDA'S MOTION FOR SUMMARY JUDGMENT**

I, Adam L. Gill, pursuant to 28 U.S.C. 1746 state and attest as follows:

1. I am a partner at Fox Swibel Levin & Carroll, LLP, counsel to Defendant Yuanda USA Corp. ("Yuanda") in the above-captioned action. I submit this declaration in support of Yuanda's Motion for Summary Judgment.

2. Attached hereto as Exhibit 19 and Exhibit 20 is a true and accurate copy of the Subcontract between Sciame and Whitestone, which were identified in the deposition of Mr. Grzic as Exhibits 5 and 21, respectively. *See* Grzic Dep. (Ex. 28), pp. 20:12-21:2.

3. Attached hereto as Exhibit 21 is a true and accurate copy Whitestone's Rule 26 Initial Disclosures, and its calculations of damages, tendered on June 26, 2020.

4. Attached hereto as Exhibit 22 is a true and accurate copy Whitestone's Clerestory Remediation Summary, as Whitestone produced it and as identified in Mr. Dearth's deposition as Exhibit 17. *See* Dearth Dep. (Ex. 27), pp. 148:23-49:2; 153:12-155:23.

5. Attached hereto as Exhibit 23 is a true and accurate copy Whitestone's updated Clerestory Remediation Summary, as Whitestone produced it on January 19, 2021 and as

identified in Mr. Dearth's deposition as Exhibit 19. *See* Dearth Dep. (Ex. 27), pp. 153:18-159:23.

6. Attached hereto as Exhibit 24 is a true and accurate copy of the documents that Whitestone alleges support the costs it incurred, as reflected in its Clerestory Remediation Summary, as Whitestone produced them and as identified in Mr. Dearth's deposition as part of Exhibit 17. *See* Dearth Dep. (Ex. 27), p. 153:14-17.

7. Attached hereto as Exhibit 25 is a true and accurate copy of the Complaint Whitestone filed in the Supreme Court of the State of New York, with the caption of *Whitestone Construction Corp. v. F.J. Sciame Construction Co., Inc.*

8. Attached hereto as Exhibit 26 is a true and accurate copy of the Declaration of Steven Grzic, previously filed in this action as ECF Doc. 75.

9. Attached hereto as Exhibit 27 is a true and accurate copy of the deposition transcript of James Dearth, taken on January 20, 2021.

10. Attached hereto as Exhibit 28 is a true and accurate copy of the deposition transcript of Steven Grzic, taken on January 27, 2021.

11. Attached hereto as Exhibit 29 is a true and accurate copy of the deposition transcript of Mighua Tan, taken on February 4, 2021.

Date: Chicago, Illinois
June 15, 2021

By: 
Adam L. Gill